

REMARKS

In accordance with the above amendments, claims 2-11, 14 and 17-19 have been amended and claim 12 has been canceled. Claims 2-12, 14 and 17-21 remain under consideration in the present application. Presently, no claim has been allowed.

It is believed that the amendments to the claims overcome any rejections under 35 USC § 112 raised by the Examiner. Whereas applicants do not agree with the Examiner's interpretation limiting the definition of the vessel to "watercraft" or "vessel" or "barge", etc., as it is believed that support for "marine" is clearly indicated both by the text and the drawings, applicants have changed the claims to recite "watercraft".

It is noted that the Examiner also takes issue with the term "permanently mounted" accordingly, and without relinquishing any rights, the term has been changed to "fixed" in regard to the deck of the watercraft. It should be noted that the drawings, particularly Figures 2-5, clearly indicate that the concrete mixing and delivery system is fixed to the deck of the watercraft and is not mounted on a wheel-supported platform intended to be moved to a different location on a roadway. Whereas, it is perfectly clear that batching plants such as shown in Doherty '234 and Maxon, Jr. '849 are clearly intended to be moved from site to site on permanently mounted wheels and not in fixed relation to any particular surface other than the truck. These are known as

portable batching plants. Significant modification would have to be made to any of these systems to construct anything like applicants' claimed system.

The rejection of claims 2-5, 7, 11-12, 14 and 17-21 as being unpatentable over Doherty '234 in view of Malan '631 or in view of Maxon, Jr. '849 is respectfully traversed for the reasons including those given just above regarding portable batching plants. Although Malan '631 does disclose a floating concrete maxing and discharge system, it does not include many of the claimed features such as a fixed conveyor system. Reconsideration and withdrawal of this rejection is respectfully requested.

The rejection of claims 6 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Doherty '234 in view of Malan '631 or alternately in view of Doherty in view of Maxon, Jr. '849 as applied to claim 2 and further in view of Farrell '907 is also respectfully traversed. Note that Farrell utilizes a derrick and drum system which is not a conveyor at all, but a hoisting system which is clearly a different mechanical device. Clearly a conveyor would not be interchangeable on his system nor would the derrick and bucket device be usable in the presently claimed system. Reconsideration and withdrawal of this rejection is respectfully requested.

The rejection of claims 8 and 10 under 35 USC § 103(a) as being unpatentable over Doherty '234 as applied to claims 7 and 9

and further in view of John '658 is also respectfully traversed. The John '658 reference depicts an apparatus for mixing polystyrene-containing lightweight concrete and placing same into molds. Note that his sump 156 is related to cleaning out molds rather than cleaning out a cement mixer. Reconsideration and withdrawal of this rejection is respectfully requested particularly in view of the differences in the primary references.

Given the above amendments, taken together with the remarks herein, the Examiner is requested to reconsider his position and withdraw the rejections, the claims being thought to be in condition for allowance.

Respectfully submitted,

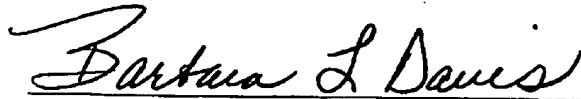
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Amendment Under 37 CFR 1.111 in response to the Official Action mailed June 28, 2005, in application Serial No. 10/607,883, filed on June 27, 2003, of Thomas J. Harris et al, entitled "BARGE-MOUNTED CONCRETE MIXING SYSTEM", and a transmittal letter are being sent by facsimile transmission to: The Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 28, 2005.



Barbara L. Davis

On behalf of C. G. Mersereau

Date of Signature: September 28, 2005